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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/421,870	10/26/1999	MARK O. WORTHINGTON	BURST-3-CIP2	4705
20995	7590	12/21/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			MORAN, MARJORIE A	
		ART UNIT	PAPER NUMBER	
		1631		

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT      PAPER

20051212

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Commissioner for Patents

The reply filed on 9/23/05 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): all claims are directed to nonelected species of invention. See 37 CFR 1.111.

Applicant has amended the claims to recite optical disc assemblies comprising "at least one nonoperational structure" and argues in the response filed with the amendment that these structures are something other than an analyte-specific signal element, wherein an analytes specific element is a nonelected species. Applicant's allegations lack factual support as the originally filed specification does not provides written support for any embodiment of a nonoperational structure which is NOT an analyte-specific signal element. Applicant points to page 20 of the specification, which exemplifies ONLY an analyte-specific signal element, and at lines 12-15, actually defines a nonoperational structure to be one "used to signal the presence of a specific analyte". As the amended claims are directed to nonelected species of invention, and no pending claims recite an elected species, the amendment is nonresponsive. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marjorie A. Moran whose telephone number is (571) 272-0720. The examiner can normally be reached on Mon, Wed: 7-1:30; Tue, Thur: 7:30-6; Fri 7-3:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel can be reached on (571)272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marjorie A. Moran  
Primary Examiner  
Art Unit: 1631

*Marjorie A. Moran*  
12/12/05